
All Saints Nowra Vesting and Land Sale Ordinance 1964

No. 11, 1964.

AN ORDINANCE to vest certain land at Falls Creek in the Shire of Shoalhaven to authorise the sale of such land and also certain land at Terara in the same Shire and to provide for the application of the proceeds thereof.

WHEREAS by two several Crown Grants dated the 4th day of July 1879 Registered Volume 461 Folios 85 and 86 respectively the land described in the first schedule hereto was granted unto John Watson, John Mackellar Brown and Simon Jennings being Trustees nominated and appointed under an Act of Governor and Legislative Council of the Colony of New South Wales entitled "An Act to Regulate the Temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" upon trust as regards the land comprised in Grant Volume 461 Folio 85 for the erection thereon of a Church in connection with the United Church of England and Ireland and as regards the land comprised in Grant Volume 461 Folio 86 as a site of a Dwelling House garden and other appurtenances for the Clergyman duly appointed to officiate in the Church of the United Church of England and Ireland at Nowra AND WHEREAS the Church of St. Andrew Falls Creek is erected on the land firstly described but no dwelling house or other buildings have been erected on the land secondly described AND WHEREAS it is expedient that the said land be now vested in Church of England Property Trust, Diocese of Sydney (hereinafter called the Corporate Trustee) AND WHEREAS by Conveyance dated 12th December 1855 made between Francis Lord and John Henry Black of the first part Mary Ann De Mestre of the second part and the Right Reverend The Lord Bishop of Sydney and Metropolitan of Australia of the third part Registered No. 194 Book 43 all that piece or parcel of land described in the second schedule hereto was conveyed unto the said Lord Bishop of Sydney upon trust for the erection thereon of a church or chapel in connection with the United Church of England and Ireland as then by law established AND WHEREAS there is now erected upon the said land the Church of St. John at Terara and the said land also contains an area appropriated for the grave of the late Prosper De Mestre which area was excluded from the land conveyed to the said Lord Bishop of Sydney AND WHEREAS the land used and occupied in connection with the said Church (excluding the said area) exceeds the area described in the said recited Conveyance and was delineated in a plan made by Surveyor Robert Paul Atkins pursuant to a Survey

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by him in March 1919 in respect of a Primary Application under the Real Property Act 1900 by the owners of the adjoining and surrounding land which parcel so used and occupied is described in the third schedule hereto AND WHEREAS both the said churches of St. Andrew Falls Creek and St. John Terara are within and form part of the Parish of All Saints Nowra AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said lands are held it is inexpedient to carry out and observe the same and it is expedient that the said lands be sold excluding however the building known as St. Andrew at Falls Creek and the net proceeds applied towards the removal and re-erection of the said Church of St. Andrew on a site at Wandandian in the said Parish NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod hereby DECLARES RULES AND DIRECTS as follows:-

1. That the land described in the first Schedule be and the same is hereby vested in the said Corporate Trustee subject to the trusts upon which it is now held.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the first, second and third schedules hereto are held it is inexpedient to carry out and observe the same and it is expedient that the said lands be sold.

3. The Corporate Trustee is hereby authorised and empowered to sell the land described in the first schedule but excluding the Church of St. Andrew now erected thereon by public auction or private contract at such time and upon such terms and conditions as it may think fit freed from the trusts upon which it is now held.

4. The Most Reverend the Archbishop of Sydney as successor in office to the said Lord Bishop of Sydney and Metropolitan of Australia is hereby authorised to sell the land described in the second Schedule together with all that his right title and interest by possession in the parcel of land described in the third schedule to the extent to which the same exceeds the area described in the second schedule but excluding the area appropriated for the grave of the late Prosper De Mestre by public auction or private contract at such time and upon such terms and conditions as he may think fit freed from the trusts upon which it is now held.

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5. The proceeds arising from the said sales shall after paying thereout all outgoings to which the said lands are subject and the costs of and incidental to this Ordinance and the sales and transfer and conveyance respectively pursuant thereto be paid to the Churchwardens of All Saints Nowra to be applied towards the cost of removal and re-erection of the Church of St. Andrew Falls Creek upon a site at Wandandian in the Parish of All Saints Nowra and the furnishings thereof.

6. This Ordinance may be cited as "All Saints Nowra Vesting and Land Sale Ordinance 1964."

FIRST SCHEDULE

All that piece or parcel of land situated in the Parish of Nowra County of St. Vincent containing one acre being Portion 211 of the said Parish and the whole of the land comprised in Crown Grant Registered Volume 461 Folio 85 ALSO ALL THAT piece or parcel of land situated as aforesaid containing two roods being Portion 212 of the said Parish and the whole of the land comprised in Crown Grant Registered Volume 461 Folio 86.

SECOND SCHEDULE

All that piece or parcel of land being part of the one thousand three hundred acres of land at Werrigee described in the hereinbefore in part recited Indenture of the thirteenth day of January One thousand eight hundred and forty four containing by admeasurement one rood and twenty seven perches be the same more or less commencing on the east side of a fenced road fifty links wide at a mark on the fence being the south west corner of the said thirteen hundred acres and bounded on the west by one chain of the east side of the aforesaid road bearing north on the north by a line bearing east three chains eighty two links on the east by a line bearing south forty degrees east and one chain thirty links and on the south by a line bearing west four chains sixty six links to the point of commencement reserving that portion of land appropriated for the grave of the late Prosper De Mestre the area of which has been deducted from the total area as marked on the plan hereunder drawn.

THIRD SCHEDULE

All that piece or parcel of land situated at Terara in the Shire of Shoalhaven Parish of Numbaa County of St. Vincent COMMENCING at a point on the eastern side of a Road bearing and

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distant consecutively from the intersection of that side of that Road with the southern side of the Road from Nowra to Numbaa (South Street) 170 degrees 42 minutes 24 chains 35.84 links 174 degrees 10 minutes 7 chains 14.39 links and 177 degrees 48 minutes 4 chains 22 links being a south west corner of that part of the land comprised in Real Property Application No. 22822 containing 239 acres 1 rood 29¼ perches and bounded thence on the north by a fenced line bearing 88 degrees 13 minutes 3 chains 51.3 links thence on the north east by a fenced line bearing 136 degrees 13 minutes 1 chain 64.8 links thence on the east by a fenced line bearing 178 degrees 5 minutes 20.1 links thence on the south by a fenced line bearing 270 degrees 52 minutes 4 chains 61 links to the eastern side of the Road aforesaid the abovementioned fenced lines being boundaries of the land comprised in the said Application, thence on the west by part of that side of that Road bearing 357 degrees 48 minutes 1 chain 21.3 links to the point of commencement:- having an area of 2 roods 6¼ perches or thereabouts (which area includes the area appropriated for the grave of the late Prosper De Mestre.)

I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

J. R. L. JOHNSTONE,
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 25th day of May, 1964.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

25/5/1964.

HUGH SYDNEY,
Archbishop of Sydney.